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Letter, Dated April 20, 1982, Denying the Petitioner's Request for Reconsideration.

COURT OF APPEALS

STATE OF NEW YORK

April 20, 1982

Philip S. Shapiro
47 Peyster Street
Albany, New York 12208

In the Matter of the Application of Philip S. Shapiro for a determination of five years actual practice (22 NYCRR 520.9[a] [2] [i] [d]).

Dear Mr. Shapiro:

I am directed by the Court of Appeals to advise you that your petition for reconsideration in the above captioned proceeding verified April 7, 1982, has been denied.

Very truly yours,

DONALD M. SHERAW
Deputy Clerk

AO'B:tab

Letter, Dated March 23, 1982, Denying the Petitioner's Request for a Determination That His Legal Experience Qualified Him for Admission on Motion.

COURT OF APPEALS

STATE OF NEW YORK

March 23, 1982

Philip S. Shapiro
47 Peyster Street
Albany, New York 12208

In the Matter of the Application
of Philip S. Shapiro for waiver
of strict compliance with the
practice requirements of
22 NYCRR 520.9(a) (2).

Dear Mr. Shapiro:

I am directed by the Court of Appeals to advise you that your petition in the above captioned proceeding has been denied.

While the Court does not issue opinions or reasons in these matters, it is pertinent to note that in the Court's review and determination, it has concluded that your petition does not establish the required substantial compliance with Rule 520.9(a) (2), so as to qualify you for a waiver pursuant to Rule 520.12. In particular, your petition did not establish five years practice of law. Employment in New York State by the Consumer Protection Board as an Intervenor Attorney is not actual practice in the contemplation of Rule 520.9(a) (2) (i) (a).

Very truly yours,

AO'B:tab JOSEPH W. BELLACOSA

Letter, Dated January 13, 1982, Denying Request by William J. Cowan, Esq., for a Determination That His Legal Experience Qualified Him for Admission on Motion (Cowan Denial). [Subsequently Reversed]

COURT OF APPEALS

STATE OF NEW YORK

January 13, 1982

William J. Cowan
28 Pheasant Ridge Drive
Loudonville, New York 12211

In the Matter of the Application
of William J. Cowan for waiver of
strict compliance with the practice
requirements of 22 NYCRR 520.9(a) (2).

Dear Mr. Cowan:

I am directed by the Court of Appeals to advise you that your petition in the above captioned proceeding has been denied.

While the Court does not issue opinions or reasons in these matters, it is pertinent to note that in the Court's review and determination, it has concluded that your petition does not establish the required substantial compliance with Rule 520.9(a) (2), so as to qualify you for a waiver pursuant to Rule 520.12. In particular, your petition did not establish five years practice of law. Employment in New York State by the Public Service Commission, as an Administrative Law Judge and as Director of the Public Service Commission's Office of Opinions and Review is not actual practice in the contemplation of Rule 520.9 (a) (2) (i) (a).

Very truly yours,

AO'B:tab JOSEPH W. BELLACOSA

Letter, Dated July 18, 1980, Denying Request by David A. Schlissel, Esq., for a Determination That His Legal Experience Qualified Him for Admission on Motion (Schlissel Denial).

COURT OF APPEALS

STATE OF NEW YORK

July 18, 1980

Mr. David A. Schlissel
119 South Lake Avenue
Albany, New York 12208

Dear Mr. Schlissel:

I acknowledge receipt of your letter of inquiry regarding admission on motion in New York State. On the basis of your admission to practice in Georgia in 1973, your practice in Georgia for 23 months and your employment as a Utility Intervenor Attorney with the New York State Consumer Protection Board since December 1975, you are qualified to file a petition for waiver of strict compliance with the practice requirement of 520.7(a) (2). However, I must advise you that it is the Court's opinion that the practice of law in New York State for a state agency does not count as actual practice for purposes of 520.7(a) (2) when the attorney is not admitted in New York unless such practice is authorized by special statute.

Very truly yours,

AO'B:tab JOSEPH W. BELLACOSA

Order, Dated July 12, 1979, Determining That the Legal Experience of Robert D. Reed, Esq., Qualified Him for Admission on Motion (Reed Waiver).

COURT OF APPEALS,

STATE OF NEW YORK.

At a session of the Court, held at Court of Appeals Hall in the City of Albany on the 12th day of July, A. D. 1979.

Present,

Hon. Lawrence H. Cooke, Chief Judge, presiding.

IN THE MATTER

OF

The Application of ROBERT D. REED, for Admission to the Bar.

On reading and filing the petition of Robert D. Reed, verified June 26, 1979, and the papers submitted therewith, and on motion, it is

ORDERED, that on satisfying the requirements of the Appellate Division of the Supreme Court in other respects and upon proof of admission to practice as an attorney in the State of Colorado on April 26, 1972, and proof of

practice in Colorado from May, 1972 to December, 1972 and proof of employment as an Administrative Law Judge, *sub nomine* Hearing Examiner, for the New York State Public Service Commission from September 2, 1973 to date, which combined practice totals more than five years and which is deemed to be in substantial compliance with section 520.8(a) (2) of the Rules of this Court, the said Robert D. Reed may apply for admission to practice as an attorney and counselor at law with the same force and effect as if he had actually practice for five years in the state where admitted.

HUGH R. JONES
Associate Judge
Court of Appeals

DONALD M. SHERAW
Deputy Clerk of the Court

New York Judiciary Law §90(1) (b).

§90. Admission to and removal from practice by appellate division; character committees.

1. b. Upon the application, pursuant to the rules of the court of appeals, of any person who has been admitted to practice law in another state or territory or the District of Columbia of the United States or in a foreign country, to be admitted to practice as an attorney and counsellor-at-law in the courts of this state without taking the regular bar examination, the appellate division of the supreme court in the department in which such person is an actual resident at the time of such application, if it shall be satisfied that such person possesses the character and general fitness requisite for an attorney and counsellor-at-law, shall admit him to practice as such attorney and counsellor-at-law in all the courts of this state, provided, that he has in all respects complied with the rules of the court of appeals and the rules of the appellate divisions relating to the admission of attorneys.

New York Code of Rules and Regulations, Title 22, §§ 520.9(a) and 520.12.

520.9 Admission without examination. (a) *General.* In its discretion the Appellate Division may admit to practice without examination an applicant who:

(1) has been admitted to practice in the highest law court in any other state or territory of the United States or in the District of Columbia or has been admitted to practice as an attorney-and counselor-at-law or the equivalent in the highest court in another country whose jurisprudence is based upon the principles of the English Common Law; and

(2) (i) while admitted to practice as specified in paragraph (1) of this subdivision, has actually practiced for a period of at least five years:

(a) in its highest law court of highest court of original jurisdiction in the state or territory of the United States, in the District of Columbia or in the common law country where admitted; or

(b) In Federal military or civilian legal service in a position which requires admission to the bar for the appointment thereto or for the performance of the duties thereof; or

(c) in legal service as counsel or assistant counsel to a corporation in the state or territory of the United States, the District of Columbia or in the common law country where admitted; or

(d) in a combination or cumulation of service among the above categories of practice or legal service even if the government service, civilian or military, was not in a jurisdiction in which the applicant was admitted to practice, where the Court of Appeals has determined that such five years of combined or cumulative service is the equivalent of the practice required in clause (a) of this subparagraph; or

(ii) is a graduate of and has received a first degree in law from an approved law school as defined in section 520.3(b) of this Part and, for a period of at least five years immediately preceding the application for admission without examination, has been employed in this State or in any other state or territory of the United States or in the District of Columbia as a full-time member of the law faculty teaching in a law school or schools on the approved list of the American Bar Association and has attained the rank of professor or associate professor; and

(3) has had the substantial equivalent of the legal education which would have been required under section 520.3 of this Part, or its predecessor section or sections, to qualify applicant to take the New York State bar examination at the time of applicant's admission to practice in such other state, territory, district or common law country, or at the time of application for admission under this section; and

(4) is over 26 years of age.

* * *

520.12 Application for waiver of rules. The Court of Appeals, upon application, may in its discretion vary the

application of or waive any provision of these rules where strict compliance will cause undue hardship to the applicant. Such application shall be in the form of a verified petition setting forth the applicant's name, age and residence address, the facts relied upon and a prayer for relief.

Annotated Code of Maryland, Public Service Commission Law, Article 78, §15(a) and (d).

§15. Powers and duties.

(a) *Generally.*—The office of people's counsel shall evaluate all matters pending before the Commission to determine if the interests of residential users of gas, electricity, telephones, or water and sewerage or of noncommercial users of other regulated services (hereinafter referred to as residential and noncommercial users) are affected. It shall appear before the Commission and the courts on behalf of those users in all matters or proceedings over which the Commission has original jurisdiction and in which the office of people's counsel deems their interest to be involved including, but not limited to, proceedings with regard to the rates, service, or practices of any public service company or any violation of the provisions of this article. It shall have, in such appearances, all the rights of counsel for a party to the proceeding, including but not limited to those specified in §82. The people's counsel may appear before any federal or State agency as necessary to protect the interests of residential and noncommercial users.

* * *

(d) *Recommending legislation.*—The office of people's counsel may recommend to the General Assembly legislation on any matter within or related to the Commission's jurisdiction which in its judgment would affect the interests of noncommercial or residential users. (1955, ch. 441; 1974, ch. 99; 1975, ch. 315; 1976, ch. 756, §§ 1, 3.)

New York Executive Law §553 (2)(c) and (3)(d) and (e).

§553. Powers and duties of the [state consumer protection] board and the executive director

* * *

2. The executive director shall have the power and duty to:

* * *

c. on behalf of the board, initiate, intervene in, or participate in any proceedings before the public service commission, to the extent authorized by sections twenty-four-a, seventy-one, eighty-four or ninety-six of the public service law or any other applicable provision of law, where he deems such initiation, intervention or participation to be necessary or appropriate.

3. The executive director when so directed by the board shall have the power and duty to:

* * *

d. represent the interests of consumers of the state before federal, state and local administrative and regulatory agencies;

e. study the operation of consumer protection laws and recommend to the governor new laws and amendments of laws for consumer protection;